

### REMARKS

Applicant has carefully studied the outstanding Office Action. The present amendment is intended to place the application in condition for allowance and is believed to overcome all of the rejections made by the Examiner. Favorable reconsideration and allowance of the application are respectfully requested.

Applicant has cancelled claims 16, 17, 31 and 32, and has amended claims 12 and 27 to more properly claim the present invention. No new matter has been added. Claims 12 – 15, 18, 27 - 30 and 33 are presented for examination.

In response to the Office Action, kindly consider the following remarks:

In Paragraphs 1 – 6 of the Office Action, claims 12 and 27 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Nguyen, U.S. Patent No. 6,032,150 (“Nguyen”) in view of Andersen, U.S. Patent No. 5,999,941 (“Andersen”).

#### **Distinctions between Claimed Invention and U.S. Patent No. 6,032,150 to Nguyen in view of U.S. Patent No. 5,999,941 to Andersen**

The present invention describes a method and system for controlling use of software. A client wishing to access protected information is sent an applet including a password by a server. When the applet requests protected information from the server, the requests include the password and the server authenticates the password before transmitting protected information. (Present specification / page 11, line 15 – page 12, line 16; original claims 12 and 27)

Nguyen describes a method and system for protecting information such as graphical elements within a web document. Nguyen uses program applets, which are created when a user tries to access the protected information, to control access to the protected information. (Nguyen / col. 1, lines 55 – 67; col. 3, lines 12 – 30; claims 1, 8 and 15) Each applet includes a unique ID, which a server associates with one or more access conditions. When the applet executes to present protected information, it contacts the server for permission to do so. (Nguyen / col. 3, lines 31 – 39; claims 6, 13 and 19)

In distinction to the present invention, Nguyen does not describes embedding a password within an applet. At col. 3, lines 49 – 51, Nguyen recites “*The program applet can be limited to presenting the further information only if the user presents a selected authenticator (such as a password associated with the specific program applet).*” Thus it is

clear that Nguyen describes a situation where the password is presented by a user, and not embedded within the program applet.

Andersen describes a web-based client application that uses a JAVA applet to send queries from a client computer to a database management system running on a server computer, and to receive query results embedded within HTML documents. Andersen describes (i) passing a database query embedded within a URL from the client computer to an active server page located on the server computer, (ii) creating an HTML page including the query results on the server computer, and (iii) delivering the HTML page to the client computer for processing and display. A script for the active server page performs the actual interfacing with the database management system itself.

Andersen does not describe the use of passwords.

As such, applicant respectfully submits that the limitation in amended independent method claim 12 of:

*“providing a program applet embedded with an associated password to a client via a network”*

is neither shown nor suggested in Nguyen or Andersen, taken alone or in combination.

Similarly, applicant respectfully submits that the limitation in amended independent system claim 27 of:

*“wherein said server is operative to ... provide said program applet embedded with said password to a client via a network”*

is neither shown nor suggested in Nguyen or Andersen, taken alone or in combination.

In Paragraphs 7 – 14 of the Office Action, claims 13 – 18 and 28 – 33 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Nguyen, U.S. Patent No. 6,032,150 (“Nguyen”) and Andersen, U.S. Patent No. 5,999,941 (“Andersen”) in further view of Ananda, U.S. Patent No. 5,638,513 (“Ananda”). Applicant has cancelled claims 16, 17, 31 and 32 without acquiescence to the Examiner’s reasons for rejection and submits that rejection of those claims is thus rendered moot. Therefore, only claims 12 – 15, 18, 27 – 30 and 33 remain rejected under 35 USC §103(a).

**Distinctions between Claimed Invention and U.S. Patent No. 6,032,150 to Nguyen and U.S. Patent No. 5,999,941 to Andersen in further view of U.S. Patent No. 5,638,513 to Ananda**

Ananda describes a secure software rental system, for preventing unauthorized use of application software transferred from a server to a remote computer. The application software is modified to include header software, which carries out asynchronous dynamic password verification between the remote computer and the server while the remote computer executes the application software. As long as the password verification is successful, the application software continues to execute. Otherwise, the application software execution is terminated. (Ananda / col. 2, lines 47 – 63; col. 3, line 65 – col. 4, line 15; col. 4, line 66 – col. 5, line 4; FIG. 6; claims 1, 9, 12 and 15)

Ananda does not describe use of program applets.

Interestingly, the present invention, Nguyen and Ananda represent three fundamentally different approaches for controlling use of software through passwords:

- The present invention delivers a software application (a program applet) and a password to a remote computer. The software application executes on the remote computer, and uses the password to request from the server protected information stored in the server.
- Nguyen delivers a software application (a program applet) and a password to a remote computer. The software application executes on the remote computer and generates the protected information, upon receiving permission from the server based on the password.
- Ananda delivers protected information (a rented software application) including a password. The software application only runs on the client computer while the password is validated by the server.

Applicant respectfully submits that the limitation in amended independent method claim 12 of:

*“providing a program applet embedded with an associated password to a client via a network”*

is neither shown nor suggested in Nguyen, Andersen and Ananda, taken individually or in combination.

Because claims 13 – 15 and 18 depend from claim 12 and include additional features, applicant respectfully submits that claims 13 – 15 and 18 are not anticipated or rendered obvious by Nguyen, Andersen, Ananda, or a combination of Nguyen, Andersen and Ananda.

Accordingly claims 12 – 15 and 18 are deemed to be allowable.

Applicant respectfully submits that the limitation in amended independent system claim 27 of:

*"wherein said server is operative to ... provide said software application assembled with said password to a client via a network"*

is neither shown nor suggested in Nguyen, Andersen and Ananda, taken individually or in combination.

Because claims 28 – 30 and 33 depend from claim 27 and include additional features, applicant respectfully submits that claims 28 – 30 and 33 are not anticipated or rendered obvious by Nguyen, Andersen, Ananda, or a combination of Nguyen, Andersen and Ananda.

Accordingly claims 27 – 30 and 33 are deemed to be allowable.

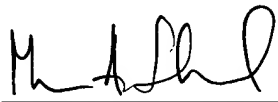
**Support for Amended Claims in Original Specification**

Claims 12 and 27 have been amended to incorporate the limitation of embedding a password into a program applet. Program applets are described in the original specification at page 11, line 21 – page 12, line 3; page 12, line 15; element 70 of FIGS. 6 and 7; and original claims 16 and 31. Embedding a password into a program applet is described in the original specification at page 4, line 26; page 7, lines 1 and 2; page 12, lines 1 and 2 and lines 14 and 15; element 76 of FIG. 7; and original claims 17 and 32.

For the foregoing reasons, applicant respectfully submits that the claims are in condition for allowance.

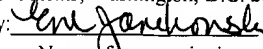
Respectfully Submitted,

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